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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/976,431      | 10/12/2001  | Louis B. Paludi      | 1095_001CON         | 1032             |

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06/04/2003

Robert E. Purcell, Esq.  
Wall Marjama & Bilinski, LLP  
Suite 400  
101 South Salina Street  
Syracuse, NY 13202

EXAMINER

ART UNIT

PAPER NUMBER

DATE MAILED: 06/04/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notification of Non-Compliance  
With 37 CFR 1.192(c)**

Application No.

09/976,431

Applicant(s)

PALUDI, LOUIS B.

Examiner

Aaron L Enatsky

Art Unit

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**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

The Appeal Brief filed on 3/21/03 is defective for failure to comply with one or more provisions of 37 CFR 1.192(c). See MPEP § 1206.

To avoid dismissal of the appeal, applicant must file IN TRIPLICATE a complete new brief in compliance with 37 CFR 1.192 (c) within the longest of any of the following three **TIME PERIODS**: (1) **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer; (2) **TWO MONTHS** from the date of the notice of appeal; or (3) within the period for reply to the action from which this appeal was taken. **EXTENTIONS OF THESE TIME PERIODS MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 1.192(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, pending or cancelled, or does not identify the appealed claims (37 CFR 1.192(c)(3)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 1.192(c)(4)).
4. ☐ The brief does not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawing, if any, by reference characters (37 CFR 1.192(c)(5)).
5. ☐ The brief does not contain a concise statement of the issues presented for review (37 CFR 1.192(c)(6)).
6. ☒ A single ground of rejection has been applied to two or more claims in this application, and
  - (a) ☐ the brief omits the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet presents arguments in support thereof in the argument section of the brief.
  - (b) ☒ the brief includes the statement required by 37 CFR 1.192(c) (7) that one or more claims do not stand or fall together, yet does not present arguments in support thereof in the argument section of the brief.
7. ☐ The brief does not present an argument under a separate heading for each issue on appeal (37 CFR 1.192(c)(8)).
8. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 1.192(c)(9)).
9. ☒ Other (including any explanation in support of the above items):

See attached sheet.

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## DETAILED ACTION

### *Response to Appeal*

Examiner acknowledges receipt of a Notice of Appeal and an Appeal Brief on 3/21/03.

### ***NOTIFICATION OF NON-COMPLIANCE WITH THE REQUIREMENTS OF 37 CFR***

#### ***1.192(c)***

The brief includes a statement that claims 1-22 do not stand or fall together, but fails to present reasons in support thereof as required under 37 CFR 1.192(c)(7). See MPEP § 1206. Applicant states that claims of each group do not stand or fall together and refers to the arguments section for clarification. Currently, Applicant's arguments provide a conflicting view of how the claims are grouped. For example, on page 4 of the Appeal Brief, Applicant argues claims 1 and 12 together, however on page 5 of the Appeal Brief, Applicant argues claim 12 separately. This inconsistency does not allow one to ascertain how the Applicant wishes to present the claim groupings. Furthermore, if all claims do not stand or fall together as stated, then each individual claim must be addressed and argued separately.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron L Enatsky whose telephone number is 703-305-3525. The examiner can normally be reached on 8:00 - 4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael O'Neill, Acting S.P.E. can be reached on 703-308-1148. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

Aaron Enatsky  
June 2, 2003



**MICHAEL O'NEILL**  
**PRIMARY EXAMINER**